

have been given original jurisdiction in that the action arises under the laws of the United States and it invokes the federal question jurisdiction of this Court as provided in 28 U.S.C. §§ 1331, 1441(a), and 1441(b). More specifically, Plaintiff's action alleges Defendant violated Title VII, 42 U.S.C. § 2000e, et seq.

4. The Complaint asserts that Plaintiff "was forced to resign his position because he was subjected to unwelcomed racial and sexual harassment which created an intimidating, hostile, and offensive work environment," in violation of Title VII. (Complaint ¶ 15). The Complaint further asserts that Defendant knew Plaintiff was engaged in protected activity and "thereafter took adverse employment action against [him]," also in violation of Title VII. (Complaint ¶20). Because Plaintiff asserts claims that arise under the laws of the United States, this Court has original jurisdiction over this case pursuant to 28 U.S.C. § 1331.

5. To the extent Plaintiff's other purported causes of action do not allege federal claims, this Court has jurisdiction over those claims pursuant to 28 U.S.C. §§ 1367(a) and 1441(c).

6. Accordingly, this action may be removed to this Court pursuant to 28 U.S.C. §§1331, 1441, and 1446.

7. Pursuant to 28 U.S.C. §1391, venue is proper in the United States District Court for the Northern District of Ohio, insofar as Defendants reside in and conduct business within Cuyahoga County, Ohio, which is within this Court's jurisdiction.

8. As required by 28 U.S.C. §1446(d), Defendants provided written notice of the filing of this Notice of Removal to Nancy Schuster and Kami D. Rowles, counsel of record for Plaintiff, and it filed this Notice of Removal with the Clerk of the Cuyahoga County Court of Common Pleas. (Notice of Filing Notice of Removal, attached as Exhibit D).

WHEREFORE, pursuant to 28 U.S.C. §§1331, 1367, 1441, and 1446, Defendants remove this case from the Cuyahoga County Court of Common Pleas to this Court.

Respectfully submitted,

/s/ Amy Ryder Wentz

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PROOF OF SERVICE

A copy of the foregoing *Notice of Removal of Civil Action to United States District Court* has been sent to Nancy Schuster and Kami Rowles, Schuster & Simmons Co. LPA, The Bevelin House, 2913 Clinton Avenue, Cleveland, OH 44113, via regular U.S. mail, postage prepaid, this 23rd day of December, 2008.

/s/ Amy Ryder Wentz

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